

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

THOMAS MATTHEWS, on behalf of  
himself and others similarly situated,  
  
Plaintiff,  
  
v.  
  
65 PLUS INSURANCE AGENCY LLC,  
  
Defendant.

**PLAINTIFF’S SHOW CAUSE ORDER RESPONSE AND REQUEST  
FOR LEAVE TO AMEND THE COMPLAINT TO ADD A DEFENDANT**

Plaintiff Thomas Matthews responds to the Court's show cause order and seeks leave to amend the complaint to add as a defendant Virginia Lockett-Baith, 65 Plus Insurance's owner and operator with day-to-day responsibility for overseeing 65 Plus's Telephone Consumer Protection Act violative robocalling campaign.

As part of Plaintiff's counsel's attempts to cause 65 Plus to appear in and defend this action, Plaintiff's counsel has interacted with Ms. Lockett-Baaith who has made it clear that she directs the conduct of 65 Plus in all relevant respects, including its decision to not appear in this litigation in an attempt to avoid potential liability to the proposed class.

The TCPA provides for the liability of individuals like Ms. Lockett-Baaith that direct companies' TCPA violative conduct. *See, e.g., Williams v. Schanck*, No. 5:15-cv-01434-MHH, 2021 U.S. Dist. LEXIS 116218, at \*10-11 (N.D. Ala. June 22, 2021) (“Because the evidence shows that Mr. Schanck personally oversaw and approved of conduct that violated the TCPA, Mr. Schanck is personally liable for Stellar's TCPA violations.”).

As a result, Plaintiff seeks leave to file the amended complaint attached as Exhibit 1, which adds as a defendant Ms. Lockett-Baath for her role in 65 Plus Insurance's TCPA violative conduct and attempt to default in this action.

Respectfully Submitted,

**Plaintiff Matthews**, individually and on behalf of  
those similarly situated individuals

Dated: July 26, 2022

/s/ Avi Kaufman

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